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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

GERALD GREEN,

Defendant and Appellant.

D075342

(Super. Ct. Nos. CR69201, CR92958,
SCE176135)

APPEAL from an order of the Superior Court of San Diego County, Lorna A. Alksne, Judge. Affirmed.

Theresa Osterman Stevenson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Gerald Green appeals from three orders denying his application under Penal Code¹ section 1170.18 (Proposition 47) to resentence two convictions for residential burglary and one for arson of an inhabited dwelling as misdemeanors. The trial court

¹ All further statutory references are to the Penal Code unless otherwise specified.

denied the petitions on the grounds the subject offenses were not eligible for resentencing under section 1170.18.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) indicating she has not been able to identify any arguable issue for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*. We offered Green the opportunity to file his own brief on appeal, but he has not responded.

PROCEDURAL BACKGROUND

The convictions at issue here arise from three cases from 1984, 1988 and 1997 as follows:

1. Case No. CR69201

In August 1984, Green pleaded guilty to residential burglary (§ 459). He was sentenced to prison for that offense.

2. Case No. CR92958

In August 1988, Green again pleaded guilty to arson of an inhabited dwelling (§ 451, subd. (b)). Green was sentenced to prison for that offense.

3. Case No. SCE176135

In July 1997, a jury convicted Green of residential burglary. Green was again sentenced to prison.

In November 2018, Green filed petitions in each of the foregoing cases seeking resentencing under section 1170.18.

DISCUSSION

As we have discussed, appellate counsel has filed a brief pursuant to *Wende* requesting this court to review the record for error. In order to assist this court in its review, and in compliance with *Anders v. California* (1967) 386 U.S. 738, counsel has identified the following possible, but not arguable issue for our consideration: Whether the court erred in denying Green's petitions for resentencing on the grounds the offenses for which he had been convicted were not eligible for resentencing under section 1170.18.

We have reviewed the entire record and have not discovered any arguable issue for reversal on appeal. Competent counsel has represented Green on this appeal.

DISPOSITION

The orders denying the petitions filed under section 1170.18 are affirmed.

HUFFMAN, J.

WE CONCUR:

BENKE, Acting P. J.

AARON, J.